

REMARKS/ARGUMENTS

In response to the Office action dated July 14, 2004, the Applicants have responded to the Examiner's rejection of the claims below. Claims 11, 12, 15-17, 19, 23, 25, 34-36, 38-51, 55-79, 83-87, 90 and 91 have been canceled. Claims 1, 52, and 53 have been amended. Claims 92-94 have been added. Claims 1, 8-10, 32, 33, 52-54, 80-82, 88, 89, and 92-94 are pending in the application.

Applicants hereby request further examination and reconsideration of the application in view of the foregoing amendments and the following remarks.

In Paragraph 2 of the Office action, the Examiner rejected claims 1, 8-12, 15-16, 32-36, 38-41, and 49-91 under 35 U.S.C. § 103(a) as being unpatentable over Grube et al. (US 5,666,661) in view of Raith (US 6,493,550). Applicants have canceled claims 11, 12, 15, 16, 34-36, 38-41, 49-51, 55-79, 83-87, 90 and 91.

Applicants have amended independent claims 1 and 52. Neither Grube nor Raith teach or suggest a first mobile radio terminal that has been deactivated and a second mobile radio terminal that comprises a smart card that serves as a key to activate the first mobile radio terminal. Therefore, with regard to claim 1, Grube and Raith do not teach or suggest "[a] method of generating a control signal comprising: determining the location of a first mobile radio terminal, wherein the first mobile radio terminal has been deactivated; determining the location of a second mobile radio terminal, wherein the second mobile radio terminal comprises a smart card that serves as a key to activate the first mobile radio terminal; comparing the locations of the first mobile radio terminal and the second mobile radio terminal; and generating a control signal in response to comparing the locations of the first mobile radio terminal and the second mobile radio terminal, wherein the control signal activates the first mobile radio terminal if the locations of the first mobile radio terminal and the second mobile radio terminal are within a specified distance."

With regard to claim 52, Grube and Raith do not teach or suggest "[a] second mobile radio terminal comprising: an RF transceiver; and a microprocessor logic circuit operable to control the operation of the second mobile radio terminal, said microprocessor logic circuit programmed to perform at least two of the following instructions: determine the location of a first mobile radio terminal, wherein the first mobile radio terminal has been deactivated; determine the location of the second mobile radio terminal, wherein the second mobile radio terminal comprises a smart card that serves as a key to activate the first mobile radio terminal; compare the locations of the first mobile radio terminal and the second mobile radio terminal; and generate a control signal in response to the compared locations of the first mobile radio terminal and the second mobile radio terminal, wherein said second mobile radio terminal transmits an activation signal in response to said control signal to said first mobile radio terminal to activate the first mobile radio terminal if the locations of the first mobile radio terminal and the second mobile radio terminal are within a specified distance."

More specifically, the Examiner states that “Grube does not further mention the step of ‘generating a control signal in response to comparing the locations of the first mobile radio terminal and the second mobile radio terminal, wherein the control signal activates the first mobile radio terminal if the locations of the first mobile radio terminal and the second mobile radio terminal are within a specified distance’; however, Raith teaches an exact same technique as Raith discloses in a Bluetooth communication system for short range communication . . . ” at pages 2-3. The columns and paragraphs cited by the Examiner regarding the activation of the first mobile radio terminal (col. 6/lines 5-16, col. 7/lines 30-56, col. 8/lines 43-57 & col. 9/lines 18-39) do not teach the activation of a deactivated first mobile radio terminal if the location of the first mobile radio terminal and the second mobile radio terminal are within a specified distance. The columns and paragraphs cited by the Examiner primarily discuss communications between a mobile station and a proximity system, and not two mobile radio terminals. The proximity system described in Raith is integrated into or connected to a private radiocommunication system that is in a fixed location, at columns 3, lines 6-17, and column 4, line 63 through column 5, line 23. The example provided in Raith illustrates a proximity system that is related to a certain geopolitical entity, such as an office park, at column 5, lines 14-23. Raith discusses the possible incorporation of a proximity detector, which is used to locate the proximity system, into a removable part of the mobile station such as a smart card, at column 8, lines 54-57; however, the communications are still between a mobile station and a fixed proximity system. This point is further illustrated at column 9, lines 18-22, which states that “if the proximity detection system between the mobile station and the fixed part of the system enables two-way data transfer, authentication procedures can be employed.” The authentication illustration provided in Raith shows a mobile station communicating with a proximity system to unlock a door, at column 9, lines 49-65. The proximity system and the door are both at fixed locations. The mobile station communicates with the proximity system to unlock the door at a fixed location and not another mobile terminal. Raith fails to teach or suggest the activation of a deactivated first mobile radio terminal if the locations of the first mobile radio terminal and a second mobile radio terminal are within a specified distance

For the above reasons, Grube and Raith, taken singly or in combination, fail to teach or suggest all of the subject matter of claims 1 and 52 as required by 35 U.S.C. §103(a).

In Paragraph 3 of the Office action, the Examiner rejected claims 17, 19, 23, 25, and 42-48 under 35 U.S.C. §103(a) as being unpatentable over Grube et al. (US 5,666,661) in view of Lachance (US 6,246,882) and Raith (US 6,493,550). Applicants have canceled claims 17, 19, 23, 25, and 42-48.

The Commissioner is hereby authorized to charge payment of any additional filing or application fees associated with this communication or credit any overpayment to Deposit Account No. 13-4365.

For the foregoing reasons, the Applicants respectfully submit that claims 1, 8-10, 32, 33, 52-54, 80-82, 88, 89, and 92-94 are now in condition for allowance. Reconsideration and

withdrawal of the rejection is requested. Allowance of claims 1, 8-10, 32, 33, 52-54, 80-82, 88, 89, and 92-94 at an early date is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,



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